

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TEXAS  
3 EL PASO DIVISION  
4

5 UNITED STATES OF AMERICA ) No. EP-23-1842-DB  
6 vs. ) El Paso, Texas  
7 RENE HERNANDEZ CORDERO (3) ) September 4, 2024  
8  
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10 SENTENCING  
11 BEFORE THE HONORABLE DAVID BRIONES  
12 UNITED STATES DISTRICT JUDGE  
13  
14

15 A P P E A R A N C E S:

16 FOR THE GOVERNMENT: MR. KYLE MYERS &  
17 MS. SHANNON HOLDERFIELD  
Assistant United States Attorneys  
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18 El Paso, Texas 79901  
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20 FOR THE DEFENDANT: MR. RAY GUTIERREZ  
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23 Proceedings reported by stenotype. Transcript produced by  
24 computer-aided transcription.  
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1 (Terence McEneny sworn to interpret Spanish into English.)

2 THE COURT: Good morning, everyone.

3 Let's get started with the first sentencing. The  
4 clerk will call the case.

5 THE CLERK: EP-23-CR-1842, Rene Hernandez Cordero.

6 MR. MYERS: Your Honor, Shannon Holderfield and Kyle  
7 Myers for the Government.

8 MR. GUTIERREZ: Good morning, Your Honor. Ray  
9 Gutierrez on behalf of defendant Rene Hernandez Cordero.

10 THE COURT: You are Rene Hernandez Cordero?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Gutierrez, you did review the  
13 Presentence Report with your client?

14 MR. GUTIERREZ: Yes, I did, Your Honor.

15 THE COURT: I believe you had one objection; is that  
16 correct?

17 MR. GUTIERREZ: That's correct, Your Honor.

18 THE COURT: And the Government also has -- let me hear  
19 from the Government first on your objection, Mr. Myers.

20 MR. MYERS: Your Honor, we'd ask for a plus 2 to be  
21 added because this case involved weapons. We filed a briefing,  
22 and we would rest on that briefing. He's in actual possession  
23 of the weapons, and he knew co-conspirators were going to  
24 possess weapons in furtherance of drug trafficking, and we feel  
25 the plus 2 is appropriate.

1           THE COURT: For the record, the Government's objection  
2 is overruled.

3           Let me hear from you on your objection.

4           MR. GUTIERREZ: Thank you, Your Honor.

5           The PSR actually talks -- there were some spelling  
6 errors that needed to be corrected, which were corrected, but  
7 on Number 50, there was a two-plus increase in the sentencing,  
8 and the defendant is opposed to it because they're actually  
9 charging him for the drugs that were developed by a  
10 co-conspirator.

11           There was no evidence that shows that the defendant  
12 actually knew about the drugs themselves. The conspiracy  
13 itself is what is the sentencing part of it.

14           In other words, he got found guilty for the entire  
15 ball of wax of the conspiracy versus the PSR talking about him  
16 knowing specifically of these drugs of other co-defendants, so  
17 we're saying that there was no evidence that he actually knew  
18 about the other drugs of the co-conspiracy, so we would object  
19 to the two-level increase in points.

20           THE COURT: He knew or should have known that the  
21 drugs were imported, so your objection is overruled also.

22           The Base Offense Level starts with 38 based on  
23 2.23 kilograms of actual meth, 2.35 kilograms of actual meth,  
24 and .31 kilograms of Fentanyl. Converted, it is  
25 92,375 kilograms.

1           Therefore, he starts at a 38. He gets the added 2  
2 levels because he knew the charges were imported -- the drugs  
3 were imported illegally, and there's no other adjustment.

4           So he ends up with a 40, with a Criminal History  
5 Category of I. Advisory Guideline Range 292 to 365 months as  
6 to Count One, 180 months maximum as to Counts Three and Four,  
7 and 60 months maximum as to Count Eight.

8           Any -- you all concur with that, Mr. Myers?

9           MR. MYERS: Yes, Your Honor.

10          MR. GUTIERREZ: Yes, Your Honor.

11          THE COURT: Mr. Gutierrez? Okay.

12          Do you wish to speak on behalf of Mr. Cordero before I  
13 pronounce his sentence?

14          MR. GUTIERREZ: I would, Your Honor.

15          The Court -- the defendant would like the Court to  
16 know that he's a 52-year-old male. He does have a legal  
17 permanent residency card that gives him permission to live in  
18 the United States. Due to the fact of this event, it's very  
19 highly possible that his residency card will be taken away from  
20 him, and he will be deported once all this is over.

21          He does have family members. He does have children.  
22 There is no criminal hist- --

23          THE COURT: Highly probable? It's for sure. He's  
24 got -- I don't know if he's got a detainer, by the way. The  
25 report says no and then -- the face says no detainer; however,

1 Paragraph 71, "An immigration detainer remains pending as of  
2 this writing."

3 So I don't know. It says both ways. He might have a  
4 detainer, but it's very likely that he does.

5 MR. GUTIERREZ: Correct, Your Honor.

6 He has a medical history of diabetes, high blood  
7 pressure, poor circulation. A person that has no criminal  
8 history is now looking at 292 to 365 days [sic] is -- is very  
9 drastic for any person.

10 We would ask for the low end of the guidelines and  
11 that he be placed somewhere near El Paso that his family can be  
12 able to visit and cross into the United States.

13 THE COURT: You didn't mention that he's a former law  
14 enforcement officer in Mexico, retired.

15 MR. GUTIERREZ: That's correct, Your Honor. He was a  
16 specialist in -- in weapons. That was his thing. He would be  
17 given infor- -- he would be given -- people would ask him  
18 questions about firearms even though he was in the police  
19 department. He took care of the weapons.

20 THE COURT: Mr. Hernandez Cordero, before I pronounce  
21 your sentence, do you wish to say anything, sir?

22 THE DEFENDANT: The only thing I can say, Your Honor,  
23 is that as far as what I did and what the prosecutors say, most  
24 of it is just false. I don't have anything to do with drugs or  
25 anything like that. I was just delivering some money, and I

1 didn't know what it was going to be for, but now they have me  
2 down for possession of drugs, and that's not the truth. That's  
3 all.

4 THE COURT: It is the order of the Court that the  
5 defendant, Rene Hernandez Cordero, is hereby committed to the  
6 custody of the United States Bureau of Prisons to be imprisoned  
7 for a term of 300 months as to Count One, 180 months as to  
8 Counts Three and Four, and 60 months as to Count Eight all to  
9 run concurrent.

10 Upon release from confinement, he will be placed on  
11 non-reporting -- I'm going to make it non-reporting supervised  
12 release for a term of five years as to Count One, three years  
13 as to Counts Three, Four and Eight, again all to run  
14 concurrent.

15 While on supervised release, he shall comply with the  
16 mandatory conditions that are listed in 18 United States Code  
17 Section 3583(d).

18 He'll also comply with the standard conditions adopted  
19 by the Western District of Texas.

20 He is not to enter or attempt to enter the  
21 United States without proper authorization.

22 He shall not commit another federal, state or local  
23 crime, and if for any reason the defendant returns to the  
24 United States during the term of supervision, he's got 72 hours  
25 to report to the closest federal probation office.

1           The defendant is also going to pay a fine in the  
2 amount of \$1,000.

3           And he will pay an assessment for each count for a  
4 total of \$400.

5           I will recommend that Mr. Hernandez Cordero be placed  
6 at a facility as close to El Paso as possible.

7           The judgment will reflect a forfeiture of \$63,000,  
8 more or less, of U.S. currency.

9           Do you have a motion, Government?

10          MR. MYERS: Move to dismiss the original Indictment,  
11 Your Honor.

12          THE COURT: The original Indictment is hereby  
13 dismissed, and he was found not guilty of Count Two.

14          You may be excused.

15          MR. GUTIERREZ: Thank you, Your Honor.

16          MR. MYERS: May we be excused, Your Honor?

17          THE COURT: You may be excused.

18                   \* \* \* \* \*

CERTIFICATION

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Date: October 7, 2024

/s/ Maria del Socorro Briggs

Maria del Socorro Briggs